

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b>
<b>CESAR FELIPE</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>OMAR RODRIGUEZ</b>	<b>:</b>	<b>21 U.S.C. § 846 (conspiracy to</b>
	<b>:</b>	<b>distribute heroin - 1 count;</b>
	<b>:</b>	<b>21 U.S.C. § 841(a)(1) (distribution of</b>
	<b>:</b>	<b>heroin - 11 counts);</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1. From at least on or about July 13, 2005 through on or about September 28, 2005, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendants

**CESAR FELIPE and  
OMAR RODRIGUEZ**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute 100 grams or more, that is, approximately 312.2 grams, of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

**MANNER AND MEANS**

It was a part of the conspiracy that:

2. The defendants worked together to distribute heroin from various locations

in Philadelphia, Pennsylvania.

3. The defendants sold heroin to an undercover Philadelphia Police Officer (“the Undercover Officer”) on multiple occasions.

### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were committed in the Eastern District of Pennsylvania and elsewhere:

#### **Purchase #1: July 13, 2005 (14.8 grams for \$1,050)**

1. On or about July 13, 2005, defendant RODRIGUEZ:
  - a. met the Undercover Officer and a Confidential Source “(CS)” in the vicinity of 3rd Street and Lehigh Avenue, Philadelphia, Pennsylvania, in order to sell approximately 15 grams of heroin to the Undercover Officer; and
  - b. sold approximately 14.8 grams of heroin to the Undercover Officer for \$1,050.

#### **Purchase #2: July 20, 2005 (31.1 grams for \$2,040)**

2. On or about July 20, 2005, defendant RODRIGUEZ:
  - a. drove from a residence located at 1819 Church Street, Philadelphia, Pennsylvania (“Church Street”) to the 3700 block of Sepviva Street, Philadelphia, Pennsylvania (“Sepviva Street”) for the purpose of selling approximately 15 grams of heroin to the Undercover Officer;
  - b. sold approximately 15 grams of heroin, and agreed to sell an additional 15 grams of heroin, to the Undercover Officer for an aggregate total of \$2,040.00;
  - c. telephoned defendant FELIPE for the purpose of arranging to

deliver an additional 15 grams of heroin to the Undercover Officer;

d.       drove to Church Street in order to obtain the additional 15 grams of heroin to deliver to the Undercover Officer;

e.       drove to a Burger King restaurant, located at Caster and Arimingo Avenues, Philadelphia, Pennsylvania (“the Burger King”) for the purpose of delivering the additional 15 grams of heroin to the Undercover Officer;

f.       delivered the additional 15 grams of heroin to the Undercover Officer in the parking lot of the Burger King.

**Purchase #3: July 27, 2005 (31 grams for \$2,040)**

3.       On or about July 27, 2005, defendant RODRIGUEZ

a.       drove from Church Street to the parking lot of a Honda dealership, located on the 2400 block of E. Castor Avenue, Philadelphia, Pennsylvania (“the Honda dealership”) for the purpose of selling approximately 30 grams of heroin to the Undercover Officer; and

b.       sold approximately 31 grams of heroin to the Undercover Officer for \$2,040.

**Purchase #4; August 3, 2005 (28.2 grams for \$2,040)**

4.       On or about August 3, 2005, defendant FELIPE:

a.       drove from Church Street to the Honda dealership for the purpose of selling approximately 30 grams of heroin to the Undercover Officer; and

b.       sold approximately 28.2 grams of heroin to the Undercover Officer for \$2,040.

**Purchase #5: August 11, 2005 (29.4 grams for \$2,040)**

5. On or about August 11, 2005, defendant RODRIGUEZ informed the Undercover Officer that, due to his unavailability, defendant FELIPE would sell heroin to the Undercover Officer on this occasion.

6. On or about August 11, 2005, defendant FELIPE:

- a. drove from Church Street to Sepviva Street for the purpose of selling approximately 30 grams of heroin to the Undercover Officer; and
- b. sold approximately 29.4 grams of heroin to the Undercover Officer for \$2,040.

**Purchase #6: August 18, 2005 (29.5 grams for \$2,040)**

7. On or about August 18, 2005, defendant RODRIGUEZ informed the Undercover Officer that defendant FELIPE would contact the Undercover Officer to arrange the next sale of heroin.

8. On or about August 18, 2005, defendant FELIPE:

- a. telephoned the Undercover Officer and informed him that he would meet the Undercover Officer at Sepviva Street for the purpose of selling approximately 30 grams of heroin to the Undercover Officer;
- b. drove from Church Street to Sepviva Street; and
- c. sold approximately 29.5 grams of heroin to the Undercover Officer for \$2,040.

**Purchase #7: August 24, 2005 (30.3 grams for \$2,040)**

9. On or about August 23, 2005, defendant RODRIGUEZ informed the Undercover Officer that defendant FELIPE would contact the Undercover Officer on August 24, 2005 to arrange the next sale of heroin.

10. On or about August 24, 2005, defendant FELIPE:

a. informed the Undercover Officer that he would meet him at Sepviva Street for the purpose of selling approximately 30 grams of heroin to the Undercover Officer;

b. drove from Church Street to Sepviva Street; and

c. sold approximately 30.3 grams of heroin to the Undercover Officer for \$2,040.

**Purchase #8: August 31, 2005 (28.4 grams for \$2,040)**

11. On or about August 31, 2005, defendant FELIPE:

a. telephoned the Undercover Officer and informed him that he would meet the Undercover Officer at Sepviva Street for the purpose of selling approximately 30 grams of heroin to the Undercover Officer;

b. drove from Church Street to Sepviva Street; and

c. sold approximately 28.4 grams of heroin to the Undercover Officer for \$2,040.

**Purchase #9: September 14, 2005 (29 grams for \$2,040)**

12. On or about August 18, 2005, defendant FELIPE:

- a. informed the Undercover Officer that he would meet him at Sepviva Street for the purpose of selling approximately 30 grams of heroin to the Undercover Officer;
- b. drove from Church Street to Sepviva Street; and
- c. sold approximately 29 grams of heroin to the Undercover Officer for \$2,040.

**Purchase #10: September 14, 2005 (30.5 grams for \$2,040)**

13. On or about September 21, 2005, defendant FELIPE:

- a. telephoned the Undercover Officer and informed him that he would meet the Undercover Officer at Sepviva Street for the purpose of selling approximately 30 grams of heroin to the Undercover Officer;
- b. drove from Church Street to Sepviva Street;
- c. informed the Undercover Officer that he believed that police were in the area and told the Undercover Officer to leave the area;
- d. informed the Undercover Officer that defendant RODRIGUEZ would deliver the heroin in his stead.

14. On or about September 21, 2005, defendant RODRIGUEZ:

- a. telephoned the Undercover Officer and informed him that he would meet the Undercover Officer at the Honda dealership for the purpose of selling approximately 30 grams of heroin to the Undercover Officer;

- b. drove from Sepviva Street to the Honda dealership; and
- c. sold approximately 30.5 grams of heroin to the Undercover

Officer for \$2,040.

**Purchase #11: September 28, 2005 (30 grams for \$2,040)**

B. On or about September 28, 2005, defendant FELIPE informed the Undercover Officer to meet defendant RODRIGUEZ at Adame's grocery store, located at 5001 Jackson Street, Philadelphia, Pennsylvania ("Adame's") for the purpose of purchasing selling approximately 30 grams of heroin to from defendant RODRIGUEZ:

- 1. On or about September 28, 2005, defendant RODRIGUEZ:
  - a. met the Undercover Officer in the vicinity of Adame's; and
  - b. sold approximately 30 grams of heroin to the Undercover Officer

for \$2,040.

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 13, 2005, in Philadelphia, in the Eastern District of  
Pennsylvania, defendants

**CESAR FELIPE  
and  
OMAR RODRIGUEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and  
substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and  
Title 18, United States Code, Section 2.



**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 20, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**CESAR FELIPE  
and  
OMAR RODRIGUEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 27, 2005, in Philadelphia, in the Eastern District of  
Pennsylvania, defendants

**CESAR FELIPE  
and  
OMAR RODRIGUEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and  
substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and  
Title 18, United States Code, Section 2.

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 3, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**CESAR FELIPE  
and  
OMAR RODRIGUEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 11, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**CESAR FELIPE  
and  
OMAR RODRIGUEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

**COUNT SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 18, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**CESAR FELIPE  
and  
OMAR RODRIGUEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

**COUNT EIGHT**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 24, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**CESAR FELIPE  
and  
OMAR RODRIGUEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

**COUNT NINE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 31, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**CESAR FELIPE  
and  
OMAR RODRIGUEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

**COUNT TEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about September 14, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**CESAR FELIPE  
and  
OMAR RODRIGUEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.



**COUNT ELEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about September 21, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**CESAR FELIPE  
and  
OMAR RODRIGUEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

**COUNT TWELVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about September 28, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**CESAR FELIPE  
and  
OMAR RODRIGUEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

**A TRUE BILL:**

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**FOREPERSON**

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**PATRICK L. MEEHAN**  
*United States Attorney*